HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT APPEAL NO.737 OF 2006
AND
WRIT PETITION NO.12585 OF 2006

Between:

P.Venkata Mohan Rao
. . .Appellant

AND

N.Srinivas and another
. . .Respondents

Counsel for the appellant : Shri V.V.Prabhakar Rao

Counsel for the respondent No.1 : Shri C.Raghu

Counsel for the respondent No.2 : Government Pleader for Panchayat Raj

Dated: 10th July, 2006

: JUDGMENT :

PER G.S.SINGHVI, CJ

This appeal is directed against interlocutory order dated 21.06.2006 passed by the learned Single Judge in W.P.M.P.No.15637 of 2006 in W.P.No.12585 of 2006 whereby Revenue Divisional Officer-cum-Deputy District Election Authority, Janagaon was directed to entertain the nomination paper of respondent No.1 for election to Mandal Parishad Territorial Constituency of Komaravalli, Cheriyal Mandal, Warangal District.

The main ground on which the appellant has challenged the order of the learned Single Judge is that the writ petition filed by respondent No.1 against the alleged wrongful rejection of his nomination paper is not maintainable.

With the consent of learned counsel for the parties, arguments have been heard in Writ Appeal as well as Writ Petition No.12585 of 2006.

The question whether a writ petition questioning the wrongful rejection of nomination paper is not maintainable in view of Article 243-O of the Constitution was recently considered by the Court in W.A(SR).No.65599 of 2006 and answered in affirmative. Therefore, by adopting detailed reasons recorded in judgment dated 23.06.2006 rendered in W.A(SR).No.65599 of 2006, we allow the writ appeal and dismiss Writ Petition No.12585 of 2006 with liberty to the petitioner to avail remedy by filing petition under Section 233 of the Andhra

Pradesh Panchayat Raj Act, 1994 read with Andhra Pradesh Panchayat Raj (Election Tribunals in respect of Gram Panchayats, Mandal Parishads and Zilla Parishads) Rules, 1995.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 10.07.2006

kvni/svs/ksld